

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MARTIN J. WALSH Secretary of Labor,	)	
United States Department of Labor,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-01024-JPH-MJD
	)	
SURECLEAN CHIMNEY SERVICE, INC.	)	
d/b/a SURE CLEAN CHIMNEY AND	)	
MASONRY,	)	
SHANE C. CONSTRUCTION,	)	
SHANE C. ELLISION an individual,	)	
	)	
Defendants.	)	

**ORDER**

On April 26, 2021, the United States Secretary of Labor filed a complaint against SureClean Chimney Service, Inc. and Shane C. Ellison, alleging violations of the Fair Labor Standards Act. Dkt. 1. On May 10, 2021, the parties filed a proposed consent judgment providing that the "Court shall retain jurisdiction for purposes of enforcing compliance with the terms of this final judgment pursuant to Federal Rule of Civil Procedure 54." See dkt. 9 at 2. The proposed consent judgment does not explain why the Court should approve it, and the parties did not file a motion for judicial approval. See *id.*

The parties are free to enter into a settlement agreement and to dismiss a case without judicial approval. But the consent judgment seeks the exercise of federal power by having the Court retain jurisdiction to enforce compliance. Under such circumstance, "a district court must determine whether a proposed decree is lawful, fair, reasonable, and adequate." *E.E.O.C. v. Hiram Walker & Sons, Inc.*, 768

F.2d 884, 889 (7th Cir. 1985); *see Loc. No. 93, Int'l Ass'n of Firefighters, AFL-CIO C.L.C. v. City of Cleveland*, 478 U.S. 501, 525 (1986) ("[A] federal court is more than a recorder of contracts from whom parties can purchase injunctions") (citation omitted).

The parties therefore **SHALL FILE** a brief in support of the proposed consent judgment explaining why it is lawful, fair, reasonable, and adequate considering the factors set forth *Hiram Walker & Sons, Inc.*, 768 F.3d at 889, by **July 9, 2021**.

**SO ORDERED.**

Date: 6/9/2021



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

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